

## REMARKS

### Claim Rejections

The Examiner has rejected claims 24-25, 29-35 and 36-39 under 35 U.S.C. § 102(b) as being anticipated by Christin et al. (U.S. Patent No. 5,904,957). The Examiner has also rejected claims 37 and 41-42 under 35 U.S.C. § 103(a) as being unpatentable over Christin et al. The Examiner has also rejected claim 35 under 35 U.S.C. § 103(a) as being unpatentable over Christin et al. in view of Porter (U.S. Patent No. 5,626,680). The Examiner has also rejected claim 40 under 35 U.S.C. § 103(a) as being unpatentable over Christin et al. in view of Liu (U.S. Patent No. 6,403,491) and Porter. The Examiner has also rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Christin et al. in view of Murugesh (U.S. Patent No. 6,450,117).

Applicants have carefully considered the Examiner's comments. In an effort to further clarify the scope of the claims, Applicants have amended claim 24 to recite that the remaining second portion of gas passes "below said top surface of said base plate" through the passageway to the outer region. It is respectfully submitted that Christin et al. does not disclose the limitations of claim 24 under a reasonable interpretation of Applicants' claim language and a proper understanding of the disclosure of Christin et al.

The Examiner argues that Christin et al. discloses "a passageway (volume within 25+22a; Figure 2) adjacent said one end and in communication (fluid 'communication') with said inlet duct (16; Figure 2) and said outer region (36; Figure 2)." (5/3/07 Office Action at pg. 3). Similarly, the Examiner argues that "a remaining second portion passes through said passageway (volume within 25+22a; Figure 2) to said outer region (36; Figure 2)." (5/3/07 Office Action at pg. 3). However, the passageway (volume within 25+22a; Figure 2) that the Examiner relies upon does not satisfy the limitations of claim 24 under any reasonable interpretation of Applicants' claim language.

Claim 24 requires that the passageway to be in "communication with said inlet duct and said outer region." Claim 24 also requires that "a remaining portion passes below said top surface of said base plate through said passageway to said outer

region.” Embodiments of the claimed passageway are disclosed in Applicants’ specification as radial holes 30 in Figures 1 and 5-6 and radial holes 90 in Figure 9. (See also 1/31/06 Reply at pg. 2). As shown and described, the passageways 30, 90 are in communication with the inlet ducts 14 and the outer region 11. A first portion of gas passes through the inlet opening 53, 84, 88 to the center opening region 5. A remaining second portion of gas passes through the passageways 30, 90 to the outer region 11.

Although Applicants recognize that the Examiner must give claim terms their “broadest reasonable interpretation” during examination, the Examiner’s interpretation must be “reasonable.” MPEP §§ 904.01, 2111. There is simply no basis for the Examiner’s argument that volume 25+22a in Figure 2 of Christin et al. is in communication with the inlet duct 16 and the outer region 36. As shown by the gas flow arrows in Figure 2 of Christin et al., **ALL** of the gas that passes through block 25 flows to the center region 31. This is confirmed by the specification of Christin et al., which states:

The preheated gas coming from the diffuser plate 22 is channeled towards the volume constituted by the interior passages 31 of the stacks 30. To this end, the blocks 25 between the diffuser plate 22 and the bottom support tray 15a are constituted by rings of diameter equal to or slightly greater than the diameter of the holes 15 and they are in alignment therewith so that the gas is directed exclusively into the passages 31. The diffuser plate 22 is provided with perforations 22a solely in register with the passages 31. [Col. 6, lines 49-57 (emphasis added).]

If all of the gas flowing through volume 25+22a flows to the center region 31, how can volume 25+22a be in fluid communication with the outer region 36? One of ordinary skill in the art would not interpret volume 25+22a of Christin et al. to be in communication with the outer region 36 as claimed by Applicants since all of the gas flowing through volume 25+22a passes to the center region 31, not the outer region 36.

Moreover, claim 24 expressly requires that a remaining second portion of gas passes through the passageway below the top surface of the base plate to the outer region. Again, it is clear from the disclosure of Christin et al. that **NO** gas passes through volume 25+22a to the outer region 36 below the top surface of the base plate.

The Examiner has provided no citation to the record or explanation of where this limitation is disclosed in Christin et al. 37 C.F.R. § 1.104(c)(2).

The prior art of record also fails to disclose the additional limitations of dependent claims 25-27 and 29-42. Because each of these claims incorporate all of the limitations of allowable claim 24 from which they depend, claims 25-27 and 29-42 are also allowable. Therefore, any further arguments that could be made at this time in support of the additional limitations of Applicant's dependent claims would be superfluous and unnecessary. *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1555 (Fed. Cir. 1983).

## **Conclusion**

None of the prior art of record discloses the limitations of Applicants' claims. In response to the Examiner's comments, Applicants have clarified that the remaining second portion of gas passes "below said top surface of said base plate" through said passageway to said outer region. It is respectfully submitted that under a reasonable interpretation of Applicants' claim language and the disclosure of Christin et al. that none of the prior art of record discloses the limitations of Applicants' claims. Therefore, Applicants' claims are allowable. If the Examiner has any questions, the Examiner may call Applicants' attorney, Richard E. Stanley, Jr., at 312-321-4279. Accordingly, Applicants request reconsideration and allowance of the application.

Respectfully submitted,

/Richard E. Stanley, Jr./  
Richard E. Stanley, Jr.  
Registration No. 45,662  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200